FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL W.P. NO.249 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr. Purwant i/by Mr. A.S.Borkar for the petitioner.

Ms.M.M. Mhatre, APP. for the State.

CORAM : R.S. MOHITE, J.
DATED : FEBRUARY 8, 2006.

P.C.

1. This petition challenges an order passed by the J.M.F.C. Kolhapur on 30.12.2005 allowing Exh.46 in Regular Case No. 814/2003. Exh.46 was an application made in 138 proceeding for opening sealed postal envelope which had been exhibited to know the contents of the notice and including it in the evidence. The Advocate for the petitioner states that the court has erred in allowing the said prayer. He further states that the notice in

question will have to be proved in accorodance with law. He states that he is satisfied if it is clarified that the sealed envelope Exh.44 be opened and the notice will be exhibited if proved in accordance with law. In the circumstances, with the clarification that sealed envelope Exh.44 be opened and the notice be exhibited if proved in accorodance with law, petition is dipsosed off. Needless to say that the evidence of person who has given notice will be allowed for the purpose of proving the notice if necessary.

(R. S. MOHITE, J.)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL W.P. NO.249 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr. Purwant i/by Mr. A.S.Borkar for the petitioner.

Ms.M.M. Mhatre, APP. for the State.

CORAM : R.S. MOHITE, J.
DATED : FEBRUARY 8, 2006.

P.C.

1. This petition challenges an order passed by the J.M.F.C. Kolhapur on 30.12.2005 allowing Exh.46 in Regular Case No. 814/2003. Exh.46 was an application made in 138 proceeding for opening sealed postal envelope which had been exhibited to know the contents of the notice and including it in the

evidence. The Advocate for the petitioner states that the court has erred in allowing the said prayer. He further states that the notice in question will have to be proved in accorodance with law. He states that he is satisfied if it is clarified that the sealed envelope Exh.44 be opened and the notice will be exhibited if proved in accordance with law. In the circumstances, with the clarification that sealed envelope Exh.44 be opened and the notice be exhibited if proved in accorodance with law, petition is dipsosed off. Needless to say that the evidence of person who has given notice will be allowed for the purpose of proving the notice if necessary.

(R. S. MOHITE, J.)